Application. No: 10/621,294	§	
Filed: July 17, 2003	§	Examiner: Haq, Naeem U.
Inventor(s):	§	Group/Art Unit: 3625
Reid Lee	§	Atty. Dkt. No: 5150-40801
	§	
Title: System and Method for	§	
Enabling a User of an E-	§	
Commerce System to	§	
Visually View and/or	§	
Configure a Product for	§	
Purchase	§	

APPEAL BRIEF

Dear Sir or Madam:

Further to the Notice of Appeal filed October 20, 2006, Appellant presents this
Appeal Brief. Appellant respectfully requests that this appeal be considered by the Board
of Patent Appeals and Interferences.

I.   REAL PARTY IN INTEREST

The subject application is owned by National Instruments Corporation, a corporation organized and existing under and by virtue of the laws of the State of Delaware, and having its principal place of business at 11500 N. MoPac Expressway, Bldg. B, Austin, Texas 78759-3504.

II.   RELATED APPEALS AND INTERFERENCES

No related appeals or interferences are known which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III.   STATUS OF CLAIMS

Claims 1-76 are pending in the application. Claims 77-80 have been withdrawn by the Examiner due to a restriction. Applicant reserves the right to petition this restriction to the Commissioner and/or file a divisional directed to these claims. All of the pending claims stand rejected and are the subject of this appeal. A copy of the claims, as incorporating entered amendments and as on appeal, is included in the Claims Appendix hereto.

IV.   STATUS OF AMENDMENTS

No amendments to the claims have been filed subsequent to the Final Office Action of July 27, 2006. The Claims Appendix hereto reflects the current state of the claims.

V.   SUMMARY OF THE CLAIMED SUBJECT MATTER

The present application generally relates to the field of electronic commerce. More particularly, the present application relates to enabling a user of an e-commerce system to visually view and/or configure a product for purchase.

Independent claim 1 recites a method for enabling a user to configure a system in an e-commerce system. The method includes receiving a request from a user via the network of the client system to configure the system, wherein the system comprises one or more customizable components. *See, e.g., at least pages 4, 5, 7-9, lines 11-22, 10-13, 16, lines 2-16, 17; Figures 1-6.* The method further includes providing an image of the system to the client system via the network for display, wherein images of at least a subset of the one or more customizable components form at least a portion of the image of the system. *See, e.g., at least pages 4, 5, 10, lines 21-29, 11, lines 19-29, 12-14, 17, lines 22-29; Figures 1-6.* The method includes determining customizable component selections for at least one of the one or more customizable components of the system in response to user input. Determining the customizable components may include receiving user input via the network selecting an image of a first customizable component which is visually depicted in the image of the system, and receiving user input via the network selecting a first customizable component option for the first customizable component. The customizable component selections applied to the system operates to specify a configured system. *See, e.g., at least pages 4, 5, 11-17; Figures 1-6.*

Independent claim 17 recites a method for enabling a user to configure a measurement system in an e-commerce system. The method includes receiving a request from a user of the client system via the network to configure the measurement system, wherein the measurement system includes one or more customizable components, wherein at least one of the customizable components is a measurement device. *See, e.g., at least pages 4, 5, 7-9, lines 11-22, 10-13, 16, lines 2-16, 17; Figures 1-6. More specifically, see, e.g., at least pages 15 and 16.* The method further includes providing an image of the measurement system to the client system via the network for display,

wherein images of at least a subset of the one or more customizable components form at least a portion of the image of the measurement system. *See, e.g., at least pages 4, 5, 10, lines 21-29, 11, lines 19-29, 12-14, 17, lines 22-29; Figures 1-6. More specifically, see, e.g., at least pages 15 and 16.* The method includes determining customizable component selections for at least one of the one or more customizable components of the measurement system in response to user input. Determining customizable components includes receiving user input selecting an image of a first customizable component via the network which is visually depicted in the image of the measurement system and receiving user input selecting a first customizable component option for the first customizable component via the network. The customizable component selections applied to the measurement system operates to specify a configured measurement system. *See, e.g., at least pages 4, 5, 11-17; Figures 1-6. More specifically, see, e.g., at least pages 15 and 16.*

Independent claim 33 recites a method for enabling a user to configure a computer system in an e-commerce system. The method includes receiving a request from a user of the client system via the network to configure the computer system, wherein the computer system includes one or more customizable components, wherein at least one of the customizable components is an electronic device. *See, e.g., at least pages 4, 5, 7-9, lines 11-22, 10-13, 16, lines 2-16, 17; Figures 1-6. More specifically, see, e.g., at least pages 16 and 17.* The method further includes providing an image of the computer system to the client system via the network for display, wherein images of at least a subset of the one or more customizable components form at least a portion of the image of the computer system. *See, e.g., at least pages 4, 5, 10, lines 21-29, 11, lines 19-29, 12-14, 17, lines 22-29; Figures 1-6. More specifically, see, e.g., at least pages 16 and 17.* The method includes determining customizable component selections for at least one of the one or more customizable components of the computer system in response to user input. Determining customizable components includes receiving user input selecting an image of a first customizable component via the network which is visually depicted in the image of the computer system and receiving user input selecting a first customizable component option via the network for the first customizable component. The

customizable component selections applied to the computer system operates to specify a configured computer system. *See, e.g., at least pages 4, 5, 11-17; Figures 1-6. More specifically, see, e.g., at least pages 16 and 17.*

Independent claim 49 recites a memory medium comprising program instructions for enabling a user to configure a system in an e-commerce system. *See, e.g., at least pages 8 and 9; Figures 1, 5, and 6.* The program instructions are executable to implement receiving a request from a user of the client system to configure the system, wherein the system includes one or more customizable components. *See, e.g., at least pages 4, 5, 7-9, lines 11-22, 10-13, 16, lines 2-16, 17; Figures 1-6.* The program instructions are executable to implement providing an image of the system to the client system for display, wherein images of at least a subset of the one or more customizable components form at least a portion of the image of the system. *See, e.g., at least pages 4, 5, 10, lines 21-29, 11, lines 19-29, 12-14, 17, lines 22-29; Figures 1-6.* The program instructions are executable to implement receiving customizable component selections for at least one of the one or more customizable components of the system in response to user input. Receiving the customizable components includes receiving user input selecting an image of a first customizable component which is visually depicted in the image of the system, and receiving user input selecting a first customizable component option for the first customizable component. The customizable component selections applied to the system operates to specify a configured system. *See, e.g., at least pages 4, 5, 11-17; Figures 1-6.*

Independent claim 50 recites a memory medium comprising program instructions for enabling a user to configure a computer system in an e-commerce system. *See, e.g., at least pages 8 and 9; Figures 1, 5, and 6.* The program instructions are executable to implement receiving a request from a user of the client system to configure the computer system, wherein the computer system includes one or more customizable components, wherein at least one of the customizable components is an electronic device. *See, e.g., at least pages 4, 5, 7-9, lines 11-22, 10-13, 16, lines 2-16, 17; Figures 1-6. More specifically, see, e.g., at least pages 16 and 17.* The program instructions are executable

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to implement providing an image of the computer system to the client system for display, wherein images of at least a subset of the one or more customizable components form at least a portion of the image of the computer system. *See, e.g., at least pages 4, 5, 10, lines 21-29, 11, lines 19-29, 12-14, 17, lines 22-29; Figures 1-6. More specifically, see, e.g., at least pages 16 and 17.* The program instructions are executable to implement receiving customizable component selections for at least one of the one or more customizable components of the computer system in response to user input. Receiving the customizable components includes receiving user input selecting an image of a first customizable component which is visually depicted in the image of the computer system and receiving user input selecting a first customizable component option for the first customizable component. The customizable component selections applied to the computer system operates to specify a configured computer system. *See, e.g., at least pages 4, 5, 11-17; Figures 1-6. More specifically, see, e.g., at least pages 16 and 17.*

Independent claim 51 recites a memory medium comprising program instructions for enabling a user to configure a measurement system in an e-commerce system. *See, e.g., at least pages 8 and 9; Figures 1, 5, and 6.* The program instructions are executable to implement receiving a request from a user of the client system via the network to configure the measurement system, wherein the measurement system includes one or more customizable components, wherein at least one of the customizable components is a measurement device. *See, e.g., at least pages 4, 5, 7-9, lines 11-22, 10-13, 16, lines 2-16, 17; Figures 1-6. More specifically, see, e.g., at least pages 15 and 16.* The program instructions are executable to implement providing an image of the measurement system to the client system via the network for display, wherein images of at least a subset of the one or more customizable components form at least a portion of the image of the measurement system. *See, e.g., at least pages 4, 5, 10, lines 21-29, 11, lines 19-29, 12-14, 17, lines 22-29; Figures 1-6. More specifically, see, e.g., at least pages 15 and 16.* The program instructions are executable to implement determining customizable component selections for at least one of the one or more customizable components of the measurement system in response to user input. Determining the customizable components includes receiving user input selecting an image of a first customizable

component via the network which is visually depicted in the image of the measurement system and receiving user input selecting a first customizable component option for the first customizable component via the network. The customizable component selections applied to the measurement system operates to specify a configured measurement system. *See, e.g., at least pages 4, 5, 11-17; Figures 1-6. More specifically, see, e.g., at least pages 15 and 16.*

Independent claim 52 recites a method for configuring a system in an e-commerce system. The method includes providing an image of a system to the client computer via the network for display, wherein the image of the system comprises images of one or more customizable components. *See, e.g., at least pages 4, 5, 10, lines 21-29, 11, lines 19-29, 12-14, 17, lines 22-29; Figures 1-6.* The method further includes receiving user input selecting an image of a first customizable component via the network which is visually depicted in the image of the system, wherein said receiving user input selecting the image of the first customizable component operates to select the first customizable component for configuration and receiving user input selecting a first option for the first customizable component via the network, wherein the first option comprises the selection for the first customizable component. The one or more selections specify a configured system. *See, e.g., at least pages 4, 5, 11-17; Figures 1-6.*

Independent claim 62 recites a method for configuring a measurement system in an e-commerce system. The method includes providing an image of a measurement system to the client computer via the network for display, wherein the image of the measurement system comprises images of one or more customizable components, wherein at least one of the customizable components is a measurement device. *See, e.g., at least pages 4, 5, 10, lines 21-29, 11, lines 19-29, 12-14, 17, lines 22-29; Figures 1-6. More specifically, see, e.g., at least pages 15 and 16.* The method includes receiving user input selecting an image of the measurement device via the network which is visually depicted in the image of the measurement system, wherein said receiving user input selecting the image of the measurement device operates to select the measurement device for configuration and receiving user input selecting a first option for the measurement

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device via the network, wherein the first option comprises the selection for the measurement device. The one or more selections specify a configured measurement system. *See, e.g., at least pages 4, 5, 11-17; Figures 1-6. More specifically, see, e.g., at least pages 15 and 16.*

Independent claim 69 recites a method for configuring a computer system in an e-commerce system. The method includes providing an image of a computer system to the client computer via the network for display, wherein the image of the computer system comprises images of one or more customizable components. *See, e.g., at least pages 4, 5, 10, lines 21-29, 11, lines 19-29, 12-14, 17, lines 22-29; Figures 1-6. More specifically, see, e.g., at least pages 16 and 17.* The method further include receiving user input selecting an image of a first customizable component via the network which is visually depicted in the image of the computer system, wherein said receiving user input selecting the image of the first customizable component operates to select the first customizable component for configuration and receiving user input selecting a first option for the first customizable component via the network, wherein the first option is the selection for the first customizable component. The one or more selections specify a configured computer system. *See, e.g., at least pages 4, 5, 11-17; Figures 1-6. More specifically, see, e.g., at least pages 16 and 17.*

Independent claim 76 recites a method for configuring an electronic system in an e-commerce system. The method includes receiving a request from a user of the client system via the network to configure the electronic system, wherein the electronic system includes one or more customizable components. *See, e.g., at least pages 4, 5, 7-9, lines 11-22, 10-13, 16, lines 2-16, 17; Figures 1-6.* The method includes providing an image of the electronic system to the client system via the network for display, wherein images of at least a subset of the one or more customizable components form at least a portion of the image of the electronic system. *See, e.g., at least pages 4, 5, 10, lines 21-29, 11, lines 19-29, 12-14, 17, lines 22-29; Figures 1-6.* The method includes determining customizable component selections for at least one of the one or more customizable components of the electronic system in response to user input. Determining customizable

components includes receiving user input selecting an image of a first customizable component via the network which is visually depicted in the image of the electronic system and receiving user input selecting a first customizable component option for the first customizable component via the network. The customizable component selections applied to the electronic system operates to specify a configured electronic system. *See, e.g., at least pages 4, 5, 11-17; Figures 1-6.*

The summary above describes various examples and embodiments of the claimed subject matter; however, the claims are not necessarily limited to any of these examples and embodiments. The claims should be interpreted based on the wording of the respective claims.

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The Examiner rejected claims 1-76 under 35 U.S.C. § 102(e) 35 U.S.C. § 103(a) as being unpatentable over Henson (US 6,167,383, "Henson") in view of IBM Technical Disclosure Bulletin ("IBM") and in view of Motomiya (US 6,083,267, "Motomiya").

VII.   ARGUMENT

Claims 1, 9-11, 13, 16, 49, 52, 53, 57, and 58

Regarding claim 1, Henson in view of IBM and Motomiya fails to teach or suggest **providing an image of the system to the client system via the network for display, wherein images of at least a subset of the one or more customizable components form at least a portion of the image of the system and receiving user input via the network selecting an image of a first customizable component which is visually depicted in the image of the system, wherein said receiving user input selecting the image of the first customizable component operates to select the first customizable component for configuration**.   The instant Office Action admits that Henson fails to disclose these features of claim 1, and relies on IBM, stating:

> However, IBM discloses a method of configuring a system that provides an image of the system to the client system for display, wherein images of at least a subset of the one or more customizable components form at least a portion of the image of the system.

Appellant reminds the Examiner that the Visual Configurator (VC) taught by IBM specifically resides on a single computer, and thus teaches away from this feature of claim 1.   More specifically, IBM discloses that the VC is an improvement over the existing text-based configurator, which "is used by sales reps to select the correct set of feature codes to represent a specific machine configuration" (Page 370, lines 5-6). Additionally, IBM discloses, "the Visual Configurator runs on a DOS-based PC system" (Page 370, line 23); in other words, the VC clearly runs on *a single machine* and further is not intended for use by a customer / purchaser.   Appellant respectfully submits that those skilled in the art of e-commerce understand that a program executing independently on a single computer cannot teach an e-commerce system, much less *providing an image of the system to the client system via the network for display*.   Applicant further submits that this combination is improper, as a program designed for sales representatives would not teach or suggest the network-based end user / customer program recited in the present application.

Appellant notes that the Office Action admits that "the cited prior art does not teach that the image is provided to the client system via a network, or that the user selects

an image via a network" and relies on Motomiya to teach this feature of claim 1. However, Appellant respectfully submits that this combination is improper. More specifically, per *In re Oetiker*, 24 USPQ 2d 1443, 1446 (Fed. Cir. 1992): The combination of elements from non-analogous sources, in a manner that reconstructs the Appellant's invention only with the benefit of hindsight, is insufficient to present a *prima facie* case of obviousness. There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge cannot come from the Appellant's invention itself. Additionally, per *In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999), the art must fairly teach or suggest to one to make the specific combination as claimed. That one achieves an improved result by making such a combination is no more than hindsight without an initial suggestion to make the combination.

Appellant notes that Motomiya teaches a method for designing jewelry, such as a necklace or a bracelet. Motomiya teaches display of a multiplicity of photographic images of various jewelry components, from which the user may select desired jewelry components to design a necklace or bracelet.

In addition, Motomiya in column 3, line 65 through column 4, line 4 teaches system with:

> a multitude of photographic images of the various parts making up the accessory constituting the particular commodity to enable the customer to design it by himself/herself.

In column 4, lines 30-44, Motomiya teaches that:

> the material, the color and the length of the equipment, the color of the fasteners and the color of the beads are presented for selection as parts required for designing the necklace or the bracelet.

In other words, Motomiya teaches selection of accessories for a jewelry item being designed such as a bracelet or necklace.

Appellant respectfully submits that the jewelry design taught in Motomiya is significantly different from *configuring a computer system* as taught by Henson and IBM, and is therefore non-analogous. Additionally, Appellant submits that one skilled in the art would not consider Motomiya as relevant to the systems presented in the instant Application. Appellant reminds the Examiner that the combination of elements from

non-analogous sources, in a manner that reconstructs the Appellant's invention only with the benefit of hindsight, is insufficient to present a *prima facie* case of obviousness. Correspondingly, Appellant submits that, as stated above, the combination of Henson and IBM with Motomiya is improper.

In the Advisory Action of November 3, 2006, the Examiner asserts, "Motomiya is directed to the same field as Henson and IBM (i.e., computer-based product configuration)". Appellant respectfully disagrees. As argued above, Motomiya is directed towards designing jewelry, Henson is directed towards computer configuration, and IBM is directed towards computer configuration in a stand-alone application by a manufacturer's sales rep (i.e., not designed for online configuration). Clearly, jewelry design does not relate to the configuration of computer systems or the systems claimed in the instant Application.

Appellant notes that the Office Action also asserts:

Furthermore, it well within the level of one of ordinary skill in the art to port a DOS based application to any other platform such as the Internet....Hwang discloses that it is well known in the art to port a DOS-based application to a windows environment in order to take advantage of more powerful equipment. Marks on the other hand, discloses that it is well known in the art to port a Windows application to the World Wide Web in order to take advantage of the Internet. Thus, the Examiner strongly disagrees with the Appellant's argument that the Visual Configurator of IBM teaches away from the feature of claim 1 since porting an application from one environment to another environment is an obvious modification.

Appellant respectfully disagrees that the two cited references, Hwang and Marks, render obvious porting any DOS application ever made to an Internet program. More specifically, Appellant submits that these two references do not at all indicate that the DOS application taught by IBM could somehow be transformed into the specific e-commerce system recited in the claims with or without the other cited references. For example, Hwang discloses a development tool for allowing programmers to recompile DOS applications "for Windows support with few changes". Appellant respectfully submits simply because a DOS based application could possibly have been ported to Windows does not indicate the desirability to do so or render the specific process

obvious. Additionally, as those skilled in the art understand, such porting Applications are not guaranteed to work for every program (and more specifically, does not guarantee that this process would work or be obvious for this particular application). Appellant notes that the Office Action emphasizes that PenRight Pro will include features that will support wide-area wireless communications. However, simply because the development tool supports this feature does not indicate any desirability (or render obvious) adding such capabilities to the DOS based application. Porting a DOS application to Windows does not change the fact that the application is specifically designed for running on a single machine (as disclosed by IBM).

Marks discloses that Gary Fielland started a new company that allows Windows applications to be ported to the World Wide Web using Microsoft's ActiveX technology. Appellant respectfully submits that simply because a company was started that converts some applications from Windows to the World Wide Web does not mean that the process is obvious for every possible application. Clearly, a great deal of work is required as that is the company's intended mode of operation. Additionally, conversion of a Windows Application to an Internet application does not somehow transform the application into the e-commerce system recited in the claims. If the arguments presented in the instant Office Action were followed to their logical conclusion, conversion of **any** DOS based application to an Internet application would be obvious. Appellant respectfully submits that, as one skilled in the art understands, this is clearly not the case. Thus, Appellant disputes the Office Action's assertion and resubmits that IBM specifically teaches a stand-alone DOS based application which **teaches away** from the customer-based e-commerce system recited in claim 1. Additionally, it would not be obvious to modify the visual configurator (with or without the cited references) to an Internet Application which performs the functionality of the features of claim 1.

Furthermore, Appellant submits that there is no suggestion to combine Henson, IBM, and Motomiya. In the instant Office Action, regarding the combination of Henson and IBM, the Examiner stated:

> Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of IBM into the method of Henson. One of ordinary skill in the art would have been motivated to do so in

order to provide a "...user with visual feedback as to how many I/O slots are available in the machine, how many hardfiles the machine can accommodate..." as taught by IBM. [*Sic*]

Appellant respectfully submits that the Examiner's provided motivation simply points out a feature of the invention disclosed in IBM; moreover, the Examiner fails to provide any suggestion whatsoever from IBM or Henson to combine the two inventions. Appellant reminds the Examiner that, as held by the U.S. Court of Appeals for the Federal Circuit in *Ecolochem Inc. v. Southern California Edison Co.*, an obviousness claim that lacks evidence of a suggestion or motivation for one of skill in the art to combine prior art references to produce the claimed invention is defective as hindsight analysis. In addition, the showing of a suggestion, teaching, or motivation to combine prior teachings "**must be clear and particular . . . . Broad conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence'.**" *In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999). The art must fairly teach or suggest to one to make the specific combination as claimed. **That one achieves an improved result by making such a combination is no more than hindsight without an initial suggestion to make the combination**.

Appellant submits that the Examiner's provided suggestion to combine merely points out a presumed benefit of the combination of Henson with IBM and does not indicate any suggestion by the references to make the proposed combination. Moreover, Appellant respectfully submits that Henson nowhere suggests any motivation to make the combination proposed by the Examiner; similarly, IBM fails to indicate any suggestion for combination with Henson. Finally, as also argued above, IBM fails to disclose an e-commerce system or indicate the desirability of incorporating the *stand-alone sales rep-based* VC into a *customer-based networked system* such as the Internet. Regarding the combination of Henson and/or IBM with Motomiya, as argued above, Motomiya is clearly non-analogous with the computer systems of Henson and IBM as well as the systems presented in the instant Application.

Additionally, neither Henson, IBM, nor Motomiya provides a motivation to combine Motomiya into Henson and/or IBM. In fact, the only suggestion of motivation to combine asserted by the Examiner is "to provide the customer with a display of the

product as it was being configured", thus simply citing an improved result based on hindsight analysis of Appellant's system as claimed. Thus, for at least the reasons provided above, **the rejection is improper**.

Claim 2-4, 6-8, 56, 66, and 73

With regard to claim 2, Appellant respectfully submits that Henson in view of IBM and Motomiya fails to teach or suggest **providing an image of the configured system via the network to the client system for display, wherein the image of the configured system visually depicts the customizable component selections of the user**. The Examiner admits that Henson in view of IBM fails to teach this feature of claim 2, but erroneously asserts that Motomiya provides this missing feature, and further asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Motomiya into the method and system of Henson, and that such a combination produces Appellant's invention as represented in claim 2. Appellant respectfully submits that Motomiya, like Henson and IBM, fails to teach this feature of claim 2. As argued above, Motomiya is clearly directed towards a non-analogous method for designing jewelry, and not the computer systems described in Henson and IBM or the systems described in the instant Application.

Moreover, neither Henson, IBM, nor Motomiya provides motivation to combine. In fact, the only suggestion of motivation to combine asserted by the Examiner is "to provide the customer with a display of the final configured product before the customer placed an order for the product", thus simply citing an improved result based on hindsight analysis of Appellant's system as claimed.

Appellant notes that in the Advisory Action, the Examiner asserts "Furthermore, the motivation to combine comes from Motomiya and not the Applicant's specification". Appellant respectfully submits that Motomiya already illustrates the final jewelry product and therefore has no reason or need to combine with IBM or Henson to do so. Correspondingly, the provided motivation to combine **cannot** come from Motomiya as Motomiya is **not** directed towards the configuration of computer systems. In other

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words, the fact that Motomiya teaches illustration of a jewelry product does not somehow suggest illustration of a final product **in any other reference**, much less the specific computer configuration references cited by the Examiner.

Furthermore, the Examiner states that online configuration of jewelry (Motomiya) is pertinent to the particular problem with which the Appellant was concerned, that is, the online configuration of measurement systems. The Examiner has clearly over-generalized the particular problem with which the inventors were concerned. *In re Oeticker* refers to the <u>particular</u> problem, not the general problem. The analogous art requirement can always be made meaningless by over-generalizing the problem. Almost any art may be considered pertinent if the problem is stated in general enough terms. That is why the courts have insisted that art use in § 103 rejections be pertinent to the <u>particular</u> problem. For many of the presented claims, the <u>particular</u> problem with which the inventors were concerned pertains to online configuration of measurement systems (or electronic systems). Motomiya is clearly not pertinent to this particular problem.

Claim 5

Regarding claim 5, Appellant submits that Henson in view of IBM and Motomiya fails to teach or suggest **wherein said providing the image of the configured system includes providing text corresponding to the customizable component selections of the user and wherein the text is displayed in the image of the configured system**. With respect to this limitation, the Office Action cites Figure 6B: "Equipment" and "Fasteners"). Appellant respectfully submits that the "fasteners" label cited by the Examiner is not <u>displayed in the image of the configured system</u>. Instead, the "fasteners", "blues", "red", "yellows", "greens", "browns", and "black and grays" labels act as a key which is displayed <u>outside of the image</u>. Additionally, the "Equipment" label does not correspond to any particular customizable component selection of the user; instead, it is a generic label which identifies a type of customizable component (and not actually the user's selected customizable component.

Claims 12, 14, 15, 54, and 55

With respect to claims 12 and 14, Henson in view of IBM and Motomiya fails to teach or suggest **wherein the menu comprising the customizable component options includes images indicating the customizable component options** and **providing a sequence of images corresponding to the customizable component options of the first customizable component after said receiving user input selecting the image of the first customizable component**. With respect to these limitations the Examiner admits that the cited prior art does not teach these features. The Examiner goes on to assert:

> However, the Examiner notes that this limitation is not functionally involved in the steps of the recited method. Therefore this limitation is deemed to be nonfunctional descriptive material. The steps of receiving and providing would be performed the same regardless of what was displayed in the menu of the cited prior art. The differences between the Applicant's invention and the prior art are merely subjective.

The Examiner's arguments on non-functional descriptive material will be addressed in depth regarding claim 17. However, with respect to these claims, Appellant respectfully submits that the images are functionally involved in the steps in the recited method. Clearly, in order to perform the method as claimed, the images must be included/provided in the menu comprising customizable component options. Appellant further notes that the cited portions regarding non-functional descriptive matter relates to the rejection of non-statutory claims and **does not relate** to prior art rejections.

Additionally, Appellant is confused as to what is meant by "the differences between the Appellant's invention and the prior art are merely subjective"; First, the Examiner has provided no evidence *whatsoever* that the differences between the Appellant's invention and the prior art are merely subjective, and second, by the Examiner's own admission, there is a difference between Appellant's own invention and the prior art. Appellant respectfully submits that one skilled in the art would also identify this difference; and furthermore, Appellant respectfully submits that this difference is non-obvious. Additionally, even were the claims "non-functional descriptive matter" (which Appellant argues they are not), this provides no suggestion or motivation to modify the cited art to include the feature that is missing from the cited art (as admitted by the Examiner).

Similar arguments apply to the Examiner's application of non-functional descriptive matter and subjective difference arguments of claim 15 (regarding providing images of customizable component options).

Claims 17, 25-27, 29, 32, 51, 62, 67, and 68

Regarding claim 17, in addition to the arguments presented above with respect to claim 1, Appellant submits that Henson in view of IBM and Motomiya fails to teach or suggest **receiving a request from a user of the client system via the network to configure the <u>measurement system</u>, wherein the <u>measurement system</u> includes one or more customizable components, wherein at least one of the customizable components is a measurement device**. With regard to this feature, the Examiner admits that the cited art fails to disclose measurement systems, and states:

> However, the Examiner notes that this limitation is not functionally involved in the steps of the recited method. Therefore, this limitation is deemed to be nonfunctional descriptive material. The steps of receiving and providing would be performed the same regardless of what system was displayed on the computer screen. The differences between the content of what is displayed on the computer screen of the Appellant's invention and the prior art are merely subjective. Thus, this nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed.Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994)* also see MPEP 2106.

Appellant respectfully submits that the Examiner has mischaracterized the claims as presented in the instant Application; each instance regarding measurement systems is a **positive limitation** on the claim and is not nonfunctional descriptive matter. Appellant reminds the Examiner that the MPEP is clear on its description of nonfunctional descriptive matter. For example, the MPEP refers to various nonfunctional descriptive matters such as "music, literature, art, photographs and mere arrangements or compilations of facts or data". Appellant respectfully submits that a measurement system clearly does not fall into this category, and that claim 17, as recited, defines a functional interrelationship between the measurement system and the method described. For example, in the feature of claim 17 recited above, a request is received from a user **to configure <u>the measurement system</u>**. Additionally, **<u>the measurement system</u> includes one or more customizable components, wherein at least one of the customizable**

components is <u>a measurement device</u>. Thus, Appellant submits that the claim defines a functional interrelationship with the way in which the method is performed, e.g., that a user may configure the measurement system, the measurement system includes one or more customizable components, and at least one of the components is a measurement device, among others. Moreover, Appellant submits that the numerous features regarding the measurement system are positive limitations on the claim and are not nonfunctional descriptive matter.

Furthermore, even were the claim limitations regarding the measurement system nonfunctional descriptive matter, which Appellant argues they are not, **the rejection would still be improper**. In the instant Office Action, the Examiner states that the nonfunctional descriptive material will not distinguish the claimed invention from the prior art in terms of patentability citing MPEP 2106, *In re Gulak* and *In re Lowry*. Appellant respectfully submits that the cited section of the MPEP and the cited cases do not support the reasons for rejection given by the Examiner. For example, MPEP 2106 is specifically directed towards the claiming of non-statutory matter. In other words, 2106 of the MPEP states that claims which solely include nonfunctional descriptive matter such as literature, art, or other media should be rejected under 35 U.S.C. § 101; it nowhere states that nonfunctional descriptive matter cannot distinguish the claimed invention from the prior art as asserted by the Examiner. Said another way, the Examiner has improperly applied a section of the MPEP relating to a 101 Rejection to a 103 Rejection. The cited portion does not relate to and cannot be used as a basis of rejection **for a U.S.C. § 103 rejection**. Additionally, Appellant notes that the two decisions, *In re Gulak* and *In re Lowry*, actually refer to the patentability of printed matter and are not pertinent to the issue at hand. Thus, for at least the reasons provided above, even were the claim limitations regarding the measurement system nonfunctional descriptive matter, which Appellant argues they are not, the rejection would still be improper.

Additionally, Appellant notes that the Examiner asserts, "the difference between the content of what is displayed on the computer screen of the Appellant's invention and the prior art are merely subjective". Appellant respectfully disagrees and submits one skilled in the art understands that measurement systems are not the same as the computer systems described in Henson and IBM. Appellant submits that the Examiner has not

provided reasons as to why the differences stated above are merely subjective. Accordingly, pursuant to M.P.E.P. § 2144.03 Appellant submits that "the Examiner must provide documentary in the next Office action if the rejection is to be maintained". See also 37 CFR 1.104(c)(2), (d)(2) and *In re Zurko*, 258 F.3d 1379, 1386 (Fed. Cir. 2001).

Furthermore, Appellant reminds the Examiner that according to the MPEP 2143.04 " **'All words in a claim must be considered in judging the patentability of that claim against the prior art'** *In re Wilson,* 424 F.2d 1382, 1385, 165 USPQ 494, 496" (emphasis added). As a specific example from the recited limitation above, the Examiner does not address *wherein at least one of the customizable components is a measurement device* in the instant Office Action. The Examiner implies that this limitation is rejected because "what is displayed on the computer screen does not functionally relate to the steps of the claimed method and because the subjective interpretation of information does not patentably distinguish the claimed invention". Accordingly, Appellant respectfully submits that, as one specific example, *wherein at least one of the customizable components is a measurement device* is a real limitation on what is displayed and configured in the method of claim 17 and is not a subjective interpretation of information. In other words, the Examiner has apparently applied an improper section of the MPEP in order to ignore positive limitations of at least these claims.

Appellant further submits that the above arguments apply with equal force to the following limitations of claim 17:

> providing an image of **the measurement system** to the client system via the network for display, wherein images of at least a subset of the one or more customizable components form at least a portion of **the image of the measurement system**;
> determining customizable component selections for at least one of the one or more customizable components of **the measurement system** in response to user input, wherein said determining customizable component selections comprises:
>> receiving user input selecting an image of a first customizable component via the network which is visually depicted in the image of **the measurement system**, wherein said receiving user input selecting the image of the first customizable component operates to select the first customizable component for configuration; and
>> receiving user input selecting a first customizable component option for the first customizable component via the network, wherein the user

input selecting the first customizable component option comprises the customizable component selection for the first customizable component;

wherein the customizable component selections applied to the measurement system **specify a configured measurement system**.

With respect to this argument, the instant Office Action asserts, "the Examiner respectfully disagrees because the 'measurement system' does not play any part in the claims whatsoever. Appellant respectfully submits that this statement fails to address any of the arguments presented above. As stated above, each recitation related to the measurement system **provides a positive limitation on the claim**; the Examiner must **consider all words in a claim in judging patentability of a claim with regard to the prior art**; non-functional descriptive matter (or the cases and sections of the MPEP cited by the Examiner) **has nothing to do *whatsoever* with the measurement system recitations in the claims** nor can it justify the rejection of the claims; the Examiner **has not provided** "documentary in the next Office action if the rejection is to be maintained" pursuant to M.P.E.P. § 2144.03; and the Examiner has **not provided any evidence** that the difference between the content of the display of the Appellant's invention and the prior art is merely subjective.

In the Advisory Action, the Examiner again cites the portion of the MPEP (2106) unrelated to 103 rejections and stated the same assertions already addressed by Appellant without providing any substantial response to Appellant's arguments.

Claims 18-20, 22-24, and 63

Arguments regarding claim 2 above apply to these claims.

Claim 21

Arguments regarding claim 5 above apply to this claim.

Claims 28, 30, 31, 64, and 65

Arguments regarding claims 12, 14, and 15 apply to these claims.

Claims 33, 41-43, 45, 48, 50, 69, 70, 74, and 75

Regarding claim 33, in addition to the arguments presented above with respect to claims 1 and 17, Appellant submits that Henson in view of IBM and Motomiya fails to teach or suggest **receiving a request from a user of the client system via the network to configure the <u>computer system</u>, wherein the <u>computer system</u> includes one or more customizable components, <u>wherein at least one of the customizable components is an electronic device</u>; providing an image of the <u>computer system</u> to the client system via the network for display, wherein images of at least a subset of the one or more customizable components form at least a portion of the image of <u>the computer system</u>; determining customizable component selections for at least one of the one or more customizable components of the <u>computer system</u> in response to user input, wherein said determining customizable component selections comprises: receiving user input selecting an image of a first customizable component via the network which is visually depicted in the image of the <u>computer system</u>, wherein the customizable component selections applied to the <u>computer system</u> specify a <u>configured computer system</u>**. The Examiner rejects this claim under the same rationale as claim 1; however, as emphasized above, this claim includes numerous further positive limitations which are not included in claim 1. Furthermore, in addition to arguments regarding claims 1 and 17 above, Motomiya is clearly non-analogous to the computer systems recited in this claim as well as the computer related systems of IBM and Henson.

Claims 34-36 and 38-40

Arguments regarding claim 2 above apply to these claims.

Claim 37

Arguments regarding claim 5 above apply to this claim.

Claims 44, 46, 47, 71, and 72

Arguments regarding claims 12, 14, and 15 above apply to these claims.

Claim 59 and 61

Arguments regarding claim 17 above apply to these claims.

Claim 60

Arguments regarding claim 33 above apply to this claim.

Claim 76

Regarding claim 76, in addition to the arguments presented above with respect to claims 1 and 17, Appellant submits that Henson in view of IBM and Motomiya fails to teach or suggest **receiving a request from a user of the client system via the network to configure the <u>electronic system</u>, wherein the electronic system includes one or more customizable components; providing an image of the <u>electronic system</u> to the client system via the network for display, wherein images of at least a subset of the one or more customizable components form at least a portion of the image of the <u>electronic system</u>; determining customizable component selections for at least one of the one or more customizable components of the <u>electronic system</u> in response to user input, wherein the customizable component selections applied to the <u>electronic system</u> specify <u>a configured electronic system</u>**. The Examiner rejects this claim under the same rationale as claim 1; however, as emphasized above, this claim includes numerous further positive limitations which are not included in claim 1. Furthermore, in addition to arguments regarding claims 1 and 17 above, Motomiya is clearly non-analogous to the computer systems recited in this claim as well as the computer related systems of IBM and Henson.

VIII. CONCLUSION

In light of the foregoing amendments and remarks, Appellant submits the application is now in condition for allowance, and an early notice to that effect is requested.

The fee of $500.00 for filing this Appeal Brief is being paid concurrently via EFS-Web. If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5150-40801/JCH.

Respectfully submitted,

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IX. CLAIMS APPENDIX

1. A method for enabling a user to configure a system in an e-commerce system, wherein the e-commerce system includes a client system coupled through a network to an electronic commerce server, the method comprising:

receiving a request from a user via the network of the client system to configure the system, wherein the system includes one or more customizable components;

providing an image of the system to the client system via the network for display, wherein images of at least a subset of the one or more customizable components form at least a portion of the image of the system;

determining customizable component selections for at least one of the one or more customizable components of the system in response to user input, wherein said determining customizable component selections comprises:

receiving user input via the network selecting an image of a first customizable component which is visually depicted in the image of the system, wherein said receiving user input selecting the image of the first customizable component operates to select the first customizable component for configuration; and

receiving user input via the network selecting a first customizable component option for the first customizable component, wherein the user input selecting the first customizable component option comprises the customizable component selection for the first customizable component;

wherein the customizable component selections applied to the system specify a configured system.

2. The method of claim 1 further comprising providing an image of the configured system via the network to the client system for display, wherein the image of the configured system visually depicts the customizable component selections of the user.

3. The method of claim 2 wherein said providing the image of the configured system includes providing customizable component selection images corresponding to the customizable component selections of the user.

4. The method of claim 3 wherein at least a subset of the customizable component selection images are visually depicted at their respective locations on the image of the configured system.

5. The method of claim 2 wherein said providing the image of the configured system includes providing text corresponding to the customizable component selections of the user;

wherein the text is displayed in the image of the configured system.

6. The method of claim 2 wherein the image of the configured system is viewable by the user and used by the user to evaluate and confirm the customizable component selections.

7. The method of claim 2 further comprising:

receiving one or more new customizable component selections via the network for at least one of the one or more customizable components of the configured system after said providing the image of the configured system to the client system, wherein the new customizable component selections applied to the configured system specify a new configured system;

providing an image of the new configured system via the network, wherein the image of the new configured system visually depicts the new customizable component selections of the user.

8. The method of claim 7 wherein said receiving the one or more new customizable component selections includes:

receiving user input selecting a second customizable component;

providing a menu of possible options for the second customizable component to the client system for display after the user input selecting the second customizable component;

receiving user input selecting one of the possible options for the second customizable component.

9. The method of claim 1 wherein said receiving user input selecting the image of the first customizable component further includes:

receiving user input indicating that a position of a cursor of the client system overlaps a location of the image of the first customizable component displayed in the image of the system.

10. The method of claim 1, wherein said determining customizable component selections further includes:

providing a menu comprising customizable component options of the first customizable component for display on the client system after said receiving user input selecting the image of the first customizable component.

11. The method of claim 10, wherein the menu comprising the customizable component options includes text indicating the customizable component options.

12. The method of claim 10, wherein the menu comprising the customizable component options includes images indicating the customizable component options.

13. The method of claim 10, wherein the menu is operable to be displayed proximate to the location of the image of the first customizable component.

14. The method of claim 10, wherein said receiving customizable component selections further includes:

providing a sequence of images corresponding to the customizable component options of the first customizable component after said receiving user input selecting the image of the first customizable component.

15. The method of claim 10, wherein said receiving user input selecting the first customizable component option includes:

providing customizable component option images corresponding to the customizable component options of the first customizable component;

receiving user input selecting a first customizable component option image corresponding to the first customizable component option.

16. The method of claim 1, further comprising:

providing an image of the first customizable component option for display on the client system via the network in response to said receiving user input selecting the first customizable component option for the first customizable component.

17. A method for enabling a user to configure a measurement system in an e-commerce system, wherein the e-commerce system includes a client system coupled through a network to an electronic commerce server, the method comprising:

receiving a request from a user of the client system via the network to configure the measurement system, wherein the measurement system includes one or more customizable components, wherein at least one of the customizable components is a measurement device;

providing an image of the measurement system to the client system via the network for display, wherein images of at least a subset of the one or more customizable components form at least a portion of the image of the measurement system;

determining customizable component selections for at least one of the one or more customizable components of the measurement system in response to user input, wherein said determining customizable component selections comprises:

receiving user input selecting an image of a first customizable component via the network which is visually depicted in the image of the measurement system,

wherein said receiving user input selecting the image of the first customizable component operates to select the first customizable component for configuration; and

receiving user input selecting a first customizable component option for the first customizable component via the network, wherein the user input selecting the first customizable component option comprises the customizable component selection for the first customizable component;

wherein the customizable component selections applied to the measurement system specify a configured measurement system.

18. The method of claim 17 further comprising providing an image of the configured measurement system to the client system via the network for display, wherein the image of the configured measurement system visually depicts the customizable component selections of the user.

19. The method of claim 18 wherein said providing the image of the configured measurement system includes providing customizable component selection images corresponding to the customizable component selections of the user.

20. The method of claim 19 wherein at least a subset of the customizable component selection images are visually depicted at their respective locations on the image of the configured measurement system.

21. The method of claim 18 wherein said providing the image of the configured measurement system includes providing text corresponding to the customizable component selections of the user;

wherein the text is displayed in the image of the configured measurement system.

22. The method of claim 18 wherein the image of the configured measurement system is viewable by the user and used by the user to evaluate and confirm the customizable component selections.

23. The method of claim 18 further comprising:

receiving one or more new customizable component selections via the network for at least one of the one or more customizable components of the configured measurement system after said providing the image of the configured measurement system to the client system, wherein the new customizable component selections applied to the configured measurement system specify a new configured measurement system;

providing an image of the new configured measurement system, wherein the image of the new configured measurement system visually depicts the new customizable component selections of the user.

24. The method of claim 23 wherein said receiving the one or more new customizable component selections includes:

receiving user input selecting a second customizable component;

providing a menu of possible options for the second customizable component to the client system for display after the user input selecting the second customizable component;

receiving user input selecting one of the possible options for the second customizable component.

25. The method of claim 17 wherein said receiving user input selecting the image of the first customizable component further includes:

receiving user input indicating that a position of a cursor of the client system overlaps a location of the image of the first customizable component displayed in the image of the measurement system.

26. The method of claim 17 wherein said receiving customizable component selections further includes:

providing a menu comprising customizable component options of the first customizable component for display on the client system after said receiving user input selecting the image of the first customizable component.

27. The method of claim 26 wherein the menu comprising the customizable component options includes text indicating the customizable component options.

28. The method of claim 26 wherein the menu comprising the customizable component options includes images indicating the customizable component options.

29. The method of claim 26 wherein the menu is operable to be displayed proximate to the location of the image of the first customizable component

30. The method of claim 26 wherein said determining customizable component selections further includes:
   providing a sequence of images corresponding to the customizable component options of the first customizable component after said receiving user input selecting the image of the first customizable component.

31. The method of claim 26 wherein said receiving user input selecting the first customizable component option includes:
   providing customizable component option images corresponding to the customizable component options of the first customizable component;
   receiving user input selecting a first customizable component option image corresponding to the first customizable component option.

32. The method of claim 17 further comprising:
   providing an image of the first customizable component option via the network for display on the client system in response to said receiving user input selecting the first customizable component option for the first customizable component.

33. A method for enabling a user to configure a computer system in an e-commerce system, wherein the e-commerce system includes a client system coupled through a network to an electronic commerce server, the method comprising:

receiving a request from a user of the client system via the network to configure the computer system, wherein the computer system includes one or more customizable components, wherein at least one of the customizable components is an electronic device;

providing an image of the computer system to the client system via the network for display, wherein images of at least a subset of the one or more customizable components form at least a portion of the image of the computer system;

determining customizable component selections for at least one of the one or more customizable components of the computer system in response to user input, wherein said determining customizable component selections comprises:

receiving user input selecting an image of a first customizable component via the network which is visually depicted in the image of the computer system, wherein said receiving user input selecting the image of the first customizable component operates to select the first customizable component for configuration; and

receiving user input selecting a first customizable component option via the network for the first customizable component, wherein the user input selecting the first customizable component option comprises the customizable component selection for the first customizable component;

wherein the customizable component selections applied to the computer system specify a configured computer system.

34. The method of claim 33 further comprising providing an image of the configured computer system to the client system via the network for display, wherein the image of the configured computer system visually depicts the customizable component selections of the user.

35. The method of claim 34 wherein said providing the image of the configured computer system includes providing customizable component selection images corresponding to the customizable component selections of the user.

36. The method of claim 35 wherein at least a subset of the customizable component selection images are visually depicted at their respective locations on the image of the configured computer system.

37. The method of claim 34 wherein said providing the image of the configured computer system includes providing text corresponding to the customizable component selections of the user;

wherein the text is displayed in the image of the configured computer system.

38. The method of claim 34 wherein the image of the configured computer system is viewable by the user and used by the user to evaluate and confirm the customizable component selections.

39. The method of claim 34 further comprising:

receiving one or more new customizable component selections via the network for at least one of the one or more customizable components of the configured computer system after said providing the image of the configured computer system to the client system, wherein the new customizable component selections applied to the configured computer system specify a new configured computer system;

providing an image of the new configured computer system via the network, wherein the image of the new configured computer system visually depicts the new customizable component selections of the user.

40. The method of claim 39 wherein said receiving the one or more new customizable component selections includes:

receiving user input selecting a second customizable component;

providing a menu of possible options for the second customizable component to the client system for display after the user input selecting the second customizable component;

receiving user input selecting one of the possible options for the ~~first~~ second customizable component.

41. The method of claim 33 wherein said receiving user input selecting the image of the first customizable component further includes:

receiving user input via the network indicating that a position of a cursor of the client system overlaps a location of the image of the first customizable component displayed in the image of the computer system.

42. The method of claim 33 wherein said receiving customizable component selections further includes:

providing a menu comprising customizable component options of the first customizable component for display on the client system after said receiving user input selecting the image of the first customizable component.

43. The method of claim 42 wherein the menu comprising the customizable component options includes text indicating the customizable component options.

44. The method of claim 42 wherein the menu comprising the customizable component options includes images indicating the customizable component options.

45. The method of claim 42 wherein the menu is operable to be displayed proximate to the location of the image of the first customizable component.

46. The method of claim 42 wherein said determining customizable component selections further includes:

providing a sequence of images corresponding to the customizable component options of the first customizable component after said receiving user input selecting the image of the first customizable component.

47. The method of claim 42 wherein said receiving user input selecting the first customizable component option includes:

providing customizable component option images corresponding to the customizable component options of the first customizable component;

receiving user input selecting a first customizable component option image corresponding to the first customizable component option.

48. The method of claim 33 further comprising:

providing an image of the first customizable component option via the network for display on the client system in response to said receiving user input selecting the first customizable component option for the first customizable component.

49. A memory medium comprising program instructions for enabling a user to configure a system in an e-commerce system, wherein the e-commerce system includes a client system coupled through a network to an electronic commerce server, wherein the program instructions are executable to implement:

receiving a request from a user of the client system via the network to configure the system, wherein the system includes one or more customizable components;

providing an image of the system to the client system via the network for display, wherein images of at least a subset of the one or more customizable components form at least a portion of the image of the system;

determining customizable component selections for at least one of the one or more customizable components of the system in response to user input, wherein said determining customizable component selections comprises:

receiving user input selecting an image of a first customizable component via the network which is visually depicted in the image of the system, wherein said receiving user input selecting the image of the first customizable component operates to select the first customizable component for configuration; and

receiving user input selecting a first customizable component option for the first customizable component via the network, wherein the user input selecting the first customizable component option comprises the customizable component selection for the first customizable component;

wherein the customizable component selections applied to the system specify a configured system.

50. A memory medium comprising program instructions for enabling a user to configure a computer system in an e-commerce system, wherein the e-commerce system includes a client system coupled through a network to an electronic commerce server, wherein the program instructions are executable to implement:

receiving a request from a user of the client system via the network to configure the computer system, wherein the computer system includes one or more customizable components, wherein at least one of the customizable components is an electronic device;

providing an image of the computer system to the client system via the network for display, wherein images of at least a subset of the one or more customizable components form at least a portion of the image of the computer system;

determining customizable component selections for at least one of the one or more customizable components of the computer system in response to user input, wherein said determining customizable component selections comprises:

receiving user input selecting an image of a first customizable component via the network which is visually depicted in the image of the computer system, wherein said receiving user input selecting the image of the first customizable component operates to select the first customizable component for configuration; and

receiving user input selecting a first customizable component option for the first customizable component via the network, wherein the user input selecting the first customizable component option comprises the customizable component selection for the first customizable component;

wherein the customizable component selections applied to the computer system specify a configured computer system.

51. A memory medium comprising program instructions for enabling a user to configure a measurement system in an e-commerce system, wherein the e-commerce system includes a client system coupled through a network to an electronic commerce server, wherein the program instructions are executable to implement:

receiving a request from a user of the client system via the network to configure the measurement system, wherein the measurement system includes one or more customizable components, wherein at least one of the customizable components is a measurement device;

providing an image of the measurement system to the client system via the network for display, wherein images of at least a subset of the one or more customizable components form at least a portion of the image of the measurement system;

determining customizable component selections for at least one of the one or more customizable components of the measurement system in response to user input, wherein said determining customizable component selections comprises:

receiving user input selecting an image of a first customizable component via the network which is visually depicted in the image of the measurement system, wherein said receiving user input selecting the image of the first customizable component operates to select the first customizable component for configuration; and

receiving user input selecting a first customizable component option for the first customizable component via the network, wherein the user input selecting the first customizable component option comprises the customizable component selection for the first customizable component;

wherein the customizable component selections applied to the measurement system specify a configured measurement system.

52. A method for configuring a system in an e-commerce system, wherein the e-commerce system includes a server computer coupled through a network to a client computer, the method comprising:

providing an image of a system to the client computer via the network for display, wherein the image of the system comprises images of one or more customizable components;

receiving user input selecting an image of a first customizable component via the network which is visually depicted in the image of the system, wherein said receiving user input selecting the image of the first customizable component operates to select the first customizable component for configuration; and

receiving user input selecting a first option for the first customizable component via the network, wherein the first option comprises the selection for the first customizable component;

wherein one or more selections specify a configured system.

53. The method of claim 52, further comprising:

providing a menu via the network comprising options of the first customizable component for display on the client computer after said receiving user input selecting the image of the first customizable component.

54. The method of claim 52, wherein said receiving user input selecting the first option comprises:

providing images corresponding to options of the first customizable component;

receiving user input selecting a first image corresponding to the first option.

55. The method of claim 52, further comprising:

providing an image of the first option for display on the client computer via the network in response to said receiving user input selecting the option for the first customizable component.

56. The method of claim 52, further comprising:

providing an image of the configured system to the client computer via the network for display, wherein the image of the configured system visually depicts the one or more selections of the user.

57. The method of claim 52, further comprising:

receiving payment information for the configured system via the network to purchase the configured system.

58. The method of claim 57, further comprising:

providing the configured system to a user of the client computer after said receiving payment information for the configured system to purchase the configured system.

59. The method of claim 52, wherein the system is a measurement system.

60. The method of claim 52, wherein the system is a computer system.

61. The method of claim 52, wherein the system comprises a plurality of electronic devices.

62. A method for configuring a measurement system in an e-commerce system, wherein the e-commerce system includes a server computer coupled through a network to a client computer, the method comprising:

providing an image of a measurement system to the client computer via the network for display, wherein the image of the measurement system comprises images of one or more customizable components, wherein at least one of the customizable components is a measurement device;

receiving user input selecting an image of the measurement device via the network which is visually depicted in the image of the measurement system, wherein said receiving user input selecting the image of the measurement device operates to select the measurement device for configuration; and

receiving user input selecting a first option for the measurement device via the network, wherein the first option comprises the selection for the measurement device;

wherein one or selections specify a configured measurement system.

63. The method of claim 62, further comprising:

providing a menu via the network comprising options for the measurement device for display on the client computer after said receiving user input selecting the image of the measurement device.

64. The method of claim 62, wherein said receiving user input selecting the first option includes:

providing images corresponding to the options of the measurement device;

receiving user input selecting a first image corresponding to the first option.

65. The method of claim 62, further comprising:

providing an image of the first option via the network for display on the client computer in response to said receiving user input selecting the first option for the measurement device.

66. The method of claim 62, further comprising:

providing an image of the configured measurement system to the client computer via the network for display, wherein the image of the configured measurement system visually depicts the one or more selections of the user.

67. The method of claim 62, further comprising:

receiving payment information via the network for the configured measurement system to purchase the configured measurement system.

68. The method of claim 67, further comprising:

providing the configured measurement system to a user of the client computer after said receiving payment information for the configured measurement system to purchase the configured measurement system.

69. A method for configuring a computer system in an e-commerce system, wherein the e-commerce system includes a server computer coupled through a network to a client computer, the method comprising:

providing an image of a computer system to the client computer via the network for display, wherein the image of the computer system comprises images of one or more customizable components;

receiving user input selecting an image of a first customizable component via the network which is visually depicted in the image of the computer system, wherein said receiving user input selecting the image of the first customizable component operates to select the first customizable component for configuration; and

receiving user input selecting a first option for the first customizable component via the network, wherein the first option is the selection for the first customizable component;

wherein one or more selections specify a configured computer system.

70. The method of claim 69, further comprising:

providing a menu via the network comprising options for the customizable component for display on the client computer after said receiving user input selecting the image of the customizable component.

71. The method of claim 69, wherein said receiving user input selecting the first option includes:

providing images corresponding to the options of the first customizable component; and

receiving user input selecting a first image corresponding to the first option.

72. The method of claim 69, further comprising:

providing an image of the first option via the network for display on the client computer in response to said receiving user input selecting the first option for the first customizable component.

73. The method of claim 69, further comprising:

providing an image of the configured computer system to the client computer via the network for display, wherein the image of the configured computer system visually depicts the one or more selections of the user.

74. The method of claim 69, further comprising:

receiving payment information via the network for the configured computer system to purchase the configured computer system.

75. The method of claim 74, further comprising:

providing the configured computer system to a user of the client computer after said receiving payment information for the configured computer system to purchase the configured computer system.

76. A method for configuring an electronic system in an e-commerce system, wherein the e-commerce system includes a server computer coupled through a network to a client computer, the method comprising:

receiving a request from a user of the client system via the network to configure the electronic system, wherein the electronic system includes one or more customizable components;

providing an image of the electronic system to the client system via the network for display, wherein images of at least a subset of the one or more customizable components form at least a portion of the image of the electronic system;

determining customizable component selections for at least one of the one or more customizable components of the electronic system in response to user input, wherein said determining customizable component selections comprises:

receiving user input selecting an image of a first customizable component via the network which is visually depicted in the image of the electronic system, wherein said receiving user input selecting the image of the first customizable component operates to select the first customizable component for configuration; and

receiving user input selecting a first customizable component option for the first customizable component via the network, wherein the user input selecting the first customizable component option comprises the customizable component selection for the first customizable component;

wherein the customizable component selections applied to the electronic system specify a configured electronic system.

X.   EVIDENCE APPENDIX

No evidence submitted under 37 CFR §§ 1.130, 1.131 or 1.132 or otherwise entered by the Examiner is relied upon in this appeal.

XI.   RELATED PROCEEDINGS APPENDIX

There are no related proceedings.